

House File 589

H-1078

1 Amend House File 589 as follows:

2 1. By striking page 1, line 1, through page 3, line
3 35, and inserting:

4 <Section 1. Section 232.147, subsections 1, 2, 3,
5 and 8, Code 2015, are amended to read as follows:

6 1. Juvenile court social records shall be
7 confidential. They shall not be inspected and their
8 contents shall not be disclosed except as provided in
9 this section or as authorized by other provisions in
10 this chapter.

11 2. Official juvenile court records in cases
12 alleging delinquency, including complaints under
13 section 232.28, shall be public records, subject to the
14 following restrictions:

15 a. Records containing a dismissal of a complaint or
16 an informal adjustment of a complaint when no petition
17 is filed relating to the complaint, shall not be
18 available to the public and may only be inspected by or
19 disclosed to the following:

20 (1) The judge and professional court staff,
21 including juvenile court officers.

22 (2) The child's counsel or guardian ad litem.

23 (3) The county attorney and county attorney's
24 assistants.

25 (4) The superintendent or the superintendent's
26 designee of the school district for the school attended
27 by the child or the authorities in charge of an
28 accredited nonpublic school attended by the child.

29 (5) A member of the armed forces of the United
30 States.

31 (6) The statistical analysis center for the
32 purposes stated in section 216A.136.

33 (7) The state public defender.

34 ~~a.~~ b. Official juvenile court records containing a
35 petition or complaint alleging delinquency filed prior
36 to January 1, 2007, shall be public records subject
37 to a confidentiality order under section 232.149A or
38 sealing under section 232.150.

39 ~~b.~~ c. Official juvenile court records containing a
40 petition or complaint alleging delinquency filed on or
41 after January 1, 2007, shall be public records subject
42 to a confidentiality order under section 232.149A
43 or sealing under section 232.150. The official
44 records shall not be available to the public or any
45 governmental agency through the internet or in an
46 electronic customized data report unless the child has
47 been adjudicated delinquent. However, the following
48 shall have access to official juvenile court records
49 through the internet or in an electronic customized
50 data report prior to the child being adjudicated

1 delinquent:

2 (1) The judge and professional court staff,
3 including juvenile court officers.

4 (2) The child's counsel or guardian ad litem.

5 (3) The county attorney and the county attorney's
6 assistants.

7 (4) A court, court professional staff, and adult
8 probation officers in connection with the preparation
9 of a presentence report concerning a person who prior
10 thereto had been the subject of a juvenile court
11 proceeding.

12 (5) A state or local law enforcement agency.

13 (6) The state public defender.

14 (7) The division of criminal and juvenile justice
15 planning of the department of human rights.

16 ~~e.~~ d. If the court has excluded the public from
17 a hearing under division II of this chapter, the
18 transcript of the proceedings shall not be deemed a
19 public record and inspection and disclosure of the
20 contents of the transcript shall not be permitted
21 except pursuant to court order or unless otherwise
22 provided in this chapter.

23 ~~d.~~ e. Complaints under section 232.28 shall be
24 released in accordance with section 915.25. Other
25 official juvenile court records may be released under
26 this section by a juvenile court officer.

27 3. Official juvenile court records in all cases
28 except those alleging delinquency shall be confidential
29 and are not public records but may be inspected and
30 their contents shall be disclosed to the following
31 without court order:

32 a. The judge and professional court staff,
33 including juvenile court officers.

34 b. The child and the child's counsel.

35 c. The child's parent, guardian or custodian, court
36 appointed special advocate, and guardian ad litem, and
37 the members of the child advocacy board created in
38 section 237.16 or a local citizen foster care review
39 board created in accordance with section 237.19 who are
40 assigning or reviewing the child's case.

41 d. The county attorney and the county attorney's
42 assistants.

43 e. An agency, association, facility or institution
44 which has custody of the child, or is legally
45 responsible for the care, treatment or supervision of
46 the child.

47 f. A court, court professional staff, and adult
48 probation officers in connection with the preparation
49 of a presentence report concerning a person who prior
50 thereto had been the subject of a juvenile court

1 proceeding.

2 *g.* The child's foster parent or an individual
3 providing preadoptive care to the child.

4 *h.* The state public defender.

5 8. ~~All~~ Subject to restrictions imposed by sections
6 232.48, subsection 4, and 232.97, subsection 3, all
7 juvenile court records shall be made available for
8 inspection and their contents shall be disclosed to any
9 party to the case and the party's counsel and to any
10 trial or appellate court in connection with an appeal
11 pursuant to division VI of this chapter.

12 Sec. 2. Section 232.149, Code 2015, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 2A. Records and files of a
15 criminal or juvenile justice agency concerning a
16 defendant transferred under section 803.6 to the
17 juvenile court for the alleged commission of a public
18 offense are public records, except that release
19 of criminal history data, intelligence data, and
20 law enforcement investigatory files is subject to
21 the provisions of section 22.7 and chapter 692,
22 and juvenile court social records shall be deemed
23 confidential criminal identification files under
24 section 22.7, subsection 9. The records are subject to
25 sealing under section 232.150.>

GUSTAFSON of Madison